

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

This document relates to:  
Michelle Valentine, Individually and as  
successor in interest to Scott Valentine,  
Decedent, et al., Case No. 17-CV-0579

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).  
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:  
Scott Valentine, Decedent
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:  
Michelle Valentine, Surviving spouse
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):  
Sydney, Reily, and Jordan Valentine, Decedent's Children
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:  
All Plaintiffs and Decedent - California

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:  
All Plaintiffs and Decedent - California
6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:  
California
7. District Court and Division in which venue would be proper absent direct filing:  
U.S.D.C., Central District of California, Western Division
8. Defendants (check Defendants against whom Complaint is made):  
☒ C. R. Bard Inc.  
☐ Bard Peripheral Vascular, Inc.
9. Basis of Jurisdiction:  
☒ Diversity of Citizenship  
☐ Other: \_\_\_\_\_  
a. Other allegations of jurisdiction and venue not expressed in Master Complaint:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):  
☐ Recovery® Vena Cava Filter  
☐ G2® Vena Cava Filter  
☐ G2® Express Vena Cava Filter  
☐ G2® X Vena Cava Filter  
☐ Eclipse® Vena Cava Filter  
☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☒ Other: Simon Nitinol Inferior Vena Cava (IVC) Filter

11. Date of Implantation as to each product:

On November 20, 2013, Decedent underwent insertion of the Simon Nitinol IVC Filter

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable California (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☒ Count XV: Loss of Consortium

☒ Count XVI: Wrongful Death

☒ Count XVII: Survival

☒ Punitive Damages


1 ☒ Other(s): \_\_\_\_\_ (please state the facts  
2 supporting this Count in the space immediately below)  
3 CA Civil Code, Sections 1709 and 1710: Defendant willfully  
4 deceived Plaintiffs/Decedent and the public in general by  
5 concealing the true facts concerning the Simon Nitinol IVC  
6 Filter including but not limited to, failing to warn of the hazards  
7 associated with the filter, failing to properly test the filter, and  
8 failing to remove the filter from the market.

9 13. Jury Trial demanded for all issues so triable?

10 ☒ Yes

11 ☐ No

12 RESPECTFULLY SUBMITTED this 23 day of October, 2017.

13  
14 By:   
15  
16 Nicole Maldonado  
17 Baum, Hedlund, Aristei and Goldman  
18 12100 Wilshire Blvd., Suite 950  
19 Los Angeles, CA 90025

20 I hereby certify that on this 23<sup>rd</sup> day of October, 2017, I electronically  
21 transmitted the attached document to the Clerk's Office using the CM/ECF System for  
22 filing and transmittal of a Notice of Electronic Filing.

23 /s/ Nicole K.H. Maldonado  
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